

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)	
)	
CHERYL ANN POLAND,)	Case No. 93-13185
)	Chapter 13
Debtor.)	
_____)	
)	
CHERYL ANN POLAND,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 99-5173
)	
EDUCATIONAL CREDIT MANAGEMENT)	
CORP; EQUIFAX ACCOUNTS RECEIVABLE;)	
and TGA, INC.,)	
)	
Defendants.)	
_____)	

JUDGMENT ON DECISION

Cheryl Poland, debtor, brought this adversary proceeding to have her student loan declared discharged as intended in her Chapter 13 plan. Educational Credit Management Corporation (“ECMC”), her student loan creditor by way of assignment, objects to the discharge for several reasons including the Tenth Circuit holding in Andersen v. UNIPAC-NEBHELP (In re Andersen), 179 F.3d 1253 (10th Cir. 1999), should not be retroactively applied to this case. Cheryl Poland appears by her attorney Garry L. Howard. ECMC appears by its attorney N. Larry Bork. The parties submitted the matter to the Court on stipulations and briefs.

For reasons stated in the Memorandum and Opinion, judgment is hereby entered in favor of

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF KANSAS

In re: Cheryl Ann Poland, Case No. 93-13185-13; Adv. Case No. 99-5173

Judgment on Decision

the debtor Cheryl Ann Poland and the student loan owed by Cheryl Ann Poland to Educational Credit Management Corporation is hereby DISCHARGED pursuant to her Chapter 13 plan and Discharge Order.

IT IS SO ORDERED.

Dated at Wichita, Kansas, this 23rd day of February, 2001.

ROBERT E. NUGENT, BANKRUPTCY JUDGE
UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF KANSAS
In re: Cheryl Ann Poland, Case No. 93-13185-13; Adv. Case No. 99-5173
Judgment on Decision

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the **Judgment on Decision** were deposited in the United States mail, postage prepaid on this 23rd day of February, 2001, to the following:

Gary L. Howard
1009 S. Broadway
Wichita, KS 67211-2232

N. Larry Bork
515 S. Kansas Ave.
Topeka, KS 66603

Laurie B. Williams
Chapter 13 Trustee
328 N. Main, Suite 200
Wichita, KS 67202

Office of the U. S. Trustee
500 Epic Center
301 N. Main
Wichita, KS 67202

Equifax Accounts Receivable Service
P.O. Box 888106
Atlanta, GA 38356-0106

Educational Credit Management Corp
NW 8639
P.O. Box 1450
Minneapolis, MN 55485-8639

TGA, Inc.
NW 8682
P.O. Box 1450
Minneapolis, MN 55484-8682

Cheryl Ann Poland

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF KANSAS

In re: Cheryl Ann Poland, Case No. 93-13185-13; Adv. Case No. 99-5173

Judgment on Decision

114 Country Walk Lane
Mulvane, KS 67110

Janet Swonger
Judicial Assistant

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF KANSAS
In re: Cheryl Ann Poland, Case No. 93-13185-13; Adv. Case No. 99-5173
Judgment on Decision